

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEFFREY S. SEILLER,

Plaintiff,

V.

MICHAEL ASTRUE, Commissioner of
Social Security Administration,

Defendant.

CASE NO. C08-5288FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION
AFFIRMING ADMINISTRATIVE
DECISION

The Magistrate Judge recommends that the administrative decision denying Seiller Social Security benefits be affirmed. Seiller has filed objections.

The first issue is whether the ALJ properly evaluated the State Agency Medical Consultants' opinions. Seiller points to state agency medical consultant Charles Regets, M.D. who stated that Seiller's "ongoing irritability which will limit his ability to work closely with others." And that Seiller needed a work setting that "would not be overly stressful." While the Magistrate Judge noted that the ALJ interpreted the state agency medical consultants' opinions in that Seiller "should limit his interaction with others," Seiller argues that this is incorrect, that the ALJ only found Seiller was precluded from interacting with the general public. The ALJ's conclusion, nevertheless, limits Seiller's interactions with others, and also notes the improvement in his social anxiety symptoms with medication. There is no error in the ALJ's assessment.

1 Seiller contends that Dr. Redmon's opinion was based on a review of all the records before the ALJ
2 and is consistent with the record as a whole. The ALJ found that Redmon's opined imitations were not
3 persuasive being inconsistent with other medical evidence in the record and also because they were largely
4 based on Seiller's non-credible self-reports. Having duly considered Seiller's argument, this Court
5 concludes that the ALJ properly resolved the conflicts in the medical record and provided specific reasons
6 for doing so, just as noted by the Magistrate Judge.

7 As to Dr. Corpilongo, the ALJ properly addressed his evaluation in the context of the entire record
8 and came to a reasonable conclusion.

9 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge J.
10 Kelley Arnold, United States Magistrate Judge, and objections to the report and recommendation, if any,
11 and the remaining record, does hereby find and ORDER:

12 (1) The Court adopts the Report and Recommendation;
13 (2) The administrative decision is AFFIRMED; and
14 (3) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel
15 and Magistrate Judge J. Kelley Arnold.

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17 DATED this 22nd day of January 2009.

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21 FRANKLIN D. BURGESS
22 UNITED STATES DISTRICT JUDGE
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